U.S. Patent Application No. 10/638,984
Attorney Docket No. <u>18703-480</u>

## <u>REMARKS</u>

Reconsideration and allowance of the application in view of the above amendments and the following remarks are requested. Claims 1-27 are currently pending in this application. Claims 1, 6 and 18 have been amended without adding new matter. Support for the amended matter can be found on paragraphs 37, 39-57 and Figures 5 and 6 of the present application. No additional claims fees are required.

### <u>Claims Rejections Under 35 U.S.C. §102(e)</u>

A.       The Examiner has rejected claims 1, 3-7, 12-13, 18 and 22-23 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. US 20020030741 to Broemmelsiek. (hereinafter "*Broemmelsiek*"). Applicants respectfully traverse this rejection for the reasons provided below.

For a reference to defeat a claim's novelty under 35 U.S.C. § 102 (i.e. anticipate the claim), it must disclose each and every element of the claim. *See Advance Display Sys. V. Kent State Univ., 212F.3d 1272 (Fed. Cir. 2000); MPEP § 2131.*

*Broemmelsiek* fails to teach or suggest the step of processing the image pixel coordinates to determine information regarding an actual detection of at least one object in motion within a scene that is captured by the at least one imaging sensor; wherein said processing comprising generating parameters indicative of a first motion detection threshold, generating parameters indicative of a first consistent motion of the object over a predetermined number of captured images; generating parameters indicative of isolation of the pixel coordinates in a particular image and generating parameters indicative of a secondary consistent motion of the object over

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the predetermined number of captured images, as recited in amended independent claims 1, 6 and 18. This is because *Broemmelsiek* simply discloses using a state prediction algorithm, such as Kalman filter, to predict the future movement paths of the object. See paragraphs 33, 49 and 57 of *Broemmelsiek*. Whereas, the present application provides for actual detection of the moving objects by generating parameters indicative of a first and second consistent motion of the moving object over a predetermined number of captured images, generating parameters indicative of a first motion detection threshold and further generating parameters indicative of isolation of the pixel coordinates in a particular image. Clearly, *Broemmelsiek* fails to disclose these features as claimed in the present application. Accordingly, for at least these reasons, applicants submit that independent claims 1, 6 and 18 are patentable over *Broemmelsiek*, and withdrawal of the rejection to claims 1, 6 and 18 under 35 U.S.C. § 102(e) is respectfully requested.

Each of claims 3-5, 7, 12-13, and 22-23 ultimately depend from one of the claims 1, 6 and 18. Thus, each of claims 3-5, 7, 12-13, and 22-23 is deemed to be patentable over *Broemmelsiek* for at least the reasons stated above with respect to the patentability of claims 1, 6 and 18, and withdrawal of the rejections to those claims over *Broemmelsiek* under 35 U.S.C. § 102(e) is respectfully requested.

B. The Examiner has rejected claims 6-11, 14-21 and 24-27 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. US 6,359,647 to Sengupta et al. (hereinafter "*Sengupta*"). Applicants respectfully traverse this rejection for the reasons provided below.

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For a reference to defeat a claim's novelty under.35 U.S.C.§ 102 (i.e. anticipate the claim), it must disclose each and every element of the claim. *See Advance Display Sys. V. Kent State Univ., 212F.3d 1272 (Fed. Cir. 2000); MPEP § 2131.*

*Sengupta* fails to teach or suggest the step of processing the image pixel coordinates to determine information regarding an actual detection of the moving object within a scene that is captured by the at least one imaging sensor; wherein said processing comprising generating parameters indicative of a first motion detection threshold, generating parameters indicative of consistent motion of the object over a predetermined number of captured images; generating parameters indicative of isolation of the pixel coordinates in a particular image and generating parameters indicative of a secondary consistent motion of the object over the predetermined number of captured images, as recited in amended independent claims 6 and 18. This is because *Sengupta* simply discloses using a predictive location determination algorithm, to predict the subsequent location of the figure. See column 2, lines 27-36, column 7, lines 56-60, column 8, lines 8-10 and column 9, lines 46-50 of *Sengupta.* Whereas, the present application provides for actual detection of the moving objects by generating parameters indicative of a first and second consistent motion of the moving object over a predetermined number of captured images, generating parameters indicative of a first motion detection threshold and further generating parameters indicative of isolation of the pixel coordinates in a particular image. Clearly, *Sengupta* fails to disclose these features as claimed in the present application. Accordingly, for at least these reasons, applicants submit that independent claims 6 and 18 are patentable over *Sengupta,* and withdrawal of the rejection to claims 6 and 18 under 35 U.S.C. § 102(e) is respectfully requested.

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Each of claims 7-11, 14-17, 19-21 and 24-27 ultimately depend from one of the claims 6

and 18. Thus, each of claims 7-11, 14-17, 19-21 and 24-27 is deemed to be patentable over

*Sengupta* for at least the reasons stated above with respect to the patentability of claims 6 and 18,

and withdrawal of the rejections to those claims over *Sengupta* under 35 U.S.C. § 102(e) is

respectfully requested.


## Claim Rejection Under 35 U.S.C. §103

The Examiner has rejected claim 2 under 35 U.S.C. §103(a) as being unpatentable over

*Broemmelsiek* in view of U.S. Patent No. US 7,173,650 to Cohen-Solal et al.


Since, independent claim 1 is patentable over the prior art, as discussed above, Applicants

submit that the dependent claim 2 is also patentable for at least the same reasons as those

presented in claim 1. Thus, Applicant respectfully requests withdrawal of the §103 rejection of

claim 2.

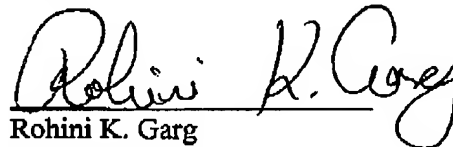U.S. Patent Application No. 10/638,984
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## CONCLUSION

Wherefore, Applicants believe that all outstanding grounds raised by the Examiner have been addressed and respectfully submit the present application including claims 1-17 are in condition for allowance, early notification of which is earnestly solicited.

Commissioner is authorized to charge a fee of $ 1,050 for three (3) month extension of time and any other additional fees required with the entry of this amendment to Deposit Account No. 501358.

Applicants' undersigned agent may be reached at the telephone number provided below. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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